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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,711	01/18/2001	Ivo Raaijmakers	ASMEX.186DV1	7574
20995	7590	05/09/2002	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 620 NEWPORT CENTER DRIVE SIXTEENTH FLOOR NEWPORT BEACH, CA 92660			ROMAN, ANGEL	
ART UNIT		PAPER NUMBER		
2812				

DATE MAILED: 05/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/764,711	RAAIJMAKERS ET AL.	
	Examiner	Art Unit	
	Angel Roman	2812	

The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 February 2002.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 33-37 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 33-37 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 18 January 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 33 and 35-37 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Vo U.S. Patent 5,097,381A.

Vo discloses an integrated capacitor formed in a trench having a width of no more than about 0.25 micrometers, a depth of greater than about 7 micrometers and an aspect ratio greater than about 20:1 (see column 5, lines 35-45), comprising; a dielectric layer 54 lining the trench; and a conductively doped polysilicon layer 52 (see column 5, lines 20-30) filling the trench. The trench is formed in a semiconductor substrate 40 (see Abstract).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vo U.S. Patent 5,097,381A in view of Mazuré et al..

Vo is applied as above but lacks anticipation on disclosing arsenic as an impurity comprised in the doped polysilicon. Mazuré et al. discloses using an arsenic doped polysilicon plug for a trench capacitor. In view of this disclosure it would have been obvious to a person having ordinary skills in the art at the time the invention was made to disclose arsenic as an impurity comprised in the doped polysilicon as disclosed in Mazuré et al. in the primary reference of Vo because arsenic is a conventional impurity used to dope polysilicon in capacitor fabrication procedures.

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6. With respect to the new added language "as-deposited" in line 4 of claim 33, this limitation is considered "product by process" since the claim is directed to a product, i.e., integrated capacitor, but contain process steps for doping the polysilicon layer. Accordingly, the process steps limitation in claim 33 have been given no patentable weight since it has been held that 1) the determination of patentability in "product by process" claims is based on the product itself, even though such claims are limited and defined by the process, and 2) the product in a "product by process" claim is unpatentable if it is the same as, or obvious from a product of the prior art, even if the prior art product was made by a different process. In re Thorpe et al., 227 USPQ 964 (Fed. Cir. 1985).

Response to Arguments

7. Applicant's arguments filed 2/20/02 have been fully considered but they are not persuasive. With respect to Applicant arguments that Vo does not indicate any manner of processing and does not specify the nature of the polycrystalline film filling the narrow trench, forming doped polysilicon "as-deposited" for filling narrow trenches is a conventional process in the art (see Mazuré et al., column 4, lines 23-25) and well within the knowledge of a person having ordinary skills in the art at the time the invention was made, therefore forming a doped polysilicon layer as-deposited in the primary reference of Vo is only considered to be routine optimization of the capacitor disclosed by Vo, based among other things on process cost.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

AR
May 7, 2002


John F. Niebling
Supervisory Patent Examiner
Technology Center 2800



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